

**PATENT**

Case Docket No. MASIMO.236C1

Date: January 29, 2004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Mohamed K. Diab  
Appl. No. : 10/695,405  
Filed : October 28, 2003  
For : OPTICAL SPECTROSCOPY  
PATHLENGTH  
MEASUREMENT SYSTEM  
Examiner : Unknown  
Group Art Unit: Unknown

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

January 29, 2004

(Date)

John M. Grover, Reg. No. 42,610

**TRANSMITTAL LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing in the above-identified application are:

- (X) an Information Disclosure Statement;
- (X) a PTO Form 1449 with 8 references, which are not being submitted herewith; and
- (X) a return prepaid postcard.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410.

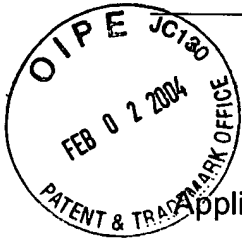
John M. Grover

Registration No. 42,610

Attorney of Record

Customer No. 20,995

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**INFORMATION DISCLOSURE STATEMENT**

Applicant : Mohamed K. Diab  
App. No. : 10/695,405  
Filed : October 28, 2003  
For : OPTICAL SPECTROSCOPY  
PATHLENGTH MEASUREMENT  
SYSTEM  
Examiner : Unknown  
Group Art Unit : Unknown

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Enclosed is form PTO-1449 listing eight (8) references. Copies of disclosed U.S. patents and/or publications are not included pursuant to PTO waiver of the requirement under 37 C.F.R. § 1.98(a)(2)(i) for applications filed after June 30, 2003. Copies of other references, if listed, are enclosed.

This Information Disclosure Statement is being filed before the receipt of a first Office Action on the merits, and presumably no fee is required in accordance with 37 C.F.R. § 1.97(b)(3). If a first Office Action on the merits was mailed before the mailing date of this Statement, the Commissioner is authorized to charge the fee set forth in 37 C.F.R. § 1.17(p) to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: January 29, 2004

By: 

John M. Grover  
Registration No. 42,610  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.  
MASIMO.236C1APPLICATION NO.  
10/695,405INFORMATION DISCLOSURE STATEMENT  
BY APPLICANT

(USE SEVERAL SHEETS IF NECESSARY)

APPLICANT  
Mohamed K. DiabFILING DATE  
October 28, 2003GROUP  
Unknown

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPROPRIATE)
	1.	5,871,442	02/16/99	Madarasz, et al.			
	2.	6,166,807	12/26/00	Kawamura, et al.			

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	3.	WO 9809566	3/12/98	PCT				

EXAMINER  
INITIAL

## OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)

	4.	Browne A F Et al., "MICRODEGREE POLARIMETRIC MEASUREMENT OF GLUCOSE CONCENTRATIONS FOR BIOTECHNOLOGY APPLICATIONS", Proceedings of the IEEE 23 <sup>rd</sup> , Northeast Bioengineering Conference, Durham, New Hampshire, May 21-22, 1997, Proceedings of the IEEE Northeast Bioengineering Conference, New York, IEEE, US, Vol. Conf. 23, 21 May 1997, Pages 9-10, XP000738103, ISBN: 0-7803-3849-9
	5.	Jang Sunghoon and Fox Martin D. "DOUBLE LOCK-IN CONCEPT FOR MORE GLUCOSE DETECTION", Proceedings of the IEEE 25 <sup>th</sup> Annual Northeast Bioengineering Conference, West Hartford, CT, April 8-9 1999, Proceedings of the IEE Annual Northeast Bioengineering Conference, New York, Ny, Pages 122-124, XP002155401, ISBN: 0-7803-5487-7
	6.	T.R. Nelson and Dr. Robert B. Northrop, "OPTICAL GLUCOSE MEASUREMENT USING A MICRODEGREE POLARIMETER IN A CLOSED LOOP SYSTEM", published electronically July 30, 1998, 15 pages.
	7.	International Search Report, PCT Article 18, 1-4 pages, Filing Date August 14, 2001
	8.	Notification of Transmittal of the International Search Report or the Declaration, 1-3 pages, date of mailing March 18, 2002

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012704

EXAMINER

DATE CONSIDERED

\*EXAMINER: INITIAL IF CITATION CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP 609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED, INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.